

Amendment re:09/788,437

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REMARKS

The Applicant thanks the Examiners for the personal interview on 13 October 2004.

Substance of Interview

During the interview the following matters were discussed:

- The prior art of Chou et al. (*Fabrication and Study of a Shallow-Gap Pirani Vacuum Sensor with a Linearly Measurable Atmospheric Pressure Range*) and Sparks et al. (US 5,706,565);
- Whether the Office Action mailed on 13 July 2004 was properly made final, as discussed below;
- Amended claims as in the Listing of Claims presented herewith would distinguish the cited references (subject to further consideration by the Examiner).

The Applicant's representative pointed out that:

- Chou et al. teach that stiction is to be avoided. The prior art of record fails to teach or suggest a pressure sensor in which a portion of a member is adherent by stiction to a surface of a substrate, as claimed in amended independent claims 1 and 30 presented herewith.
- The proposed combination of Chou et al. and Sparks does not teach providing a surface having a roughness as claimed in claim 2 (and other claims) because wafer-to-wafer bonding processes as discussed in Sparks et al. are practised with very flat surfaces.

Finality of Office Action

Applicant respectfully requests that the finality of the Office Action mailed on 13 July 2004 be withdrawn so that this Amendment can be entered. Applicant submits that this is proper, at least because the rejection of claim 2 on the basis of the combination of Chou et al. and Sparks et al. is not proper. Applicant submits that a person skilled in the art would not combine Chou et al. and Sparks et al. to obtain a device within claim 2 because, among other reasons, the wafer-bonding techniques referred to in Sparks et al. are typically practised with very flat surfaces that do not possess the claimed degree of roughness.

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Claims

Claims 1-20, 30-40 and 44-45 are pending. Claims 1 and 30 have been amended as discussed with the Examiner. These amendments clarify the claims. New dependent claims 44 and 45 are added. Claims 44 and 45 claim features similar to those of claims 11 and 35. These claims are submitted to add no new subject matter and to require no further searches.

Claims 13-15 and 37 are allowed.

Claims 11 and 35 have been indicated as being directed to allowable subject matter. Claims 11 and 35 have been amended to be independent. Therefore, claims 11 and 35 are submitted to be allowable.

Independent claims 1 and 30 have been amended for clarity in the manner discussed with the Examiner and are submitted to patentably distinguish the prior art of record for the reasons discussed above and the Amendment dated 18 March 2004.

Claims 2-10, 12, 16-20 and 44 depend from claim 1 and are submitted to be allowable for at least this reason.

Claims 31-34, 36, 38-40 and 45 depend from claim 30 and are submitted to be allowable for at least this reason.

Conclusion

In light of the foregoing amendments and remarks, it is submitted that claims 1-21 and 30-45 are all in condition for allowance. Entry of this Amendment and reconsideration and allowance of this application are respectfully requested. The Examiner is invited to contact the undersigned by telephone at (604) 669-3432 to discuss any outstanding issues.

Respectfully submitted,

By: \_\_\_\_\_

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